Passed

(1) M

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Govt. II-27—37,604—13-11-45.

Home (1948) Department.

MS SERIES.

G.O. No. 1435

Dated 19. 4. 48

[Despatch Abstract.]

Courts - Criminal - South Kanara district
Trial of cases relating to Bonus lotteries
Special Third Class Magistrate and staff -
Continuance - Sanctioned.

R.O.C. 2047/48-D3. 26272 D/D

From

P. T. Raman Nayar Esq., I.C.S.,
Registrar, High Court of Judicature,
Madras.

To

The Secretary to the Government of Madras,
Home Department, Fort St. George, Madras.
(with enclosures)

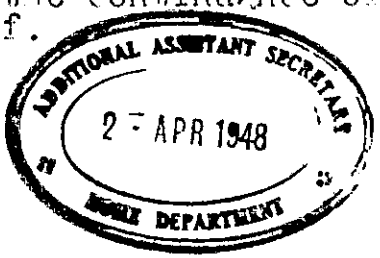
Madras, 31st March 1948.

Sir,

Sub: Courts - Criminal - South Kanara District - Trial of cases relating to Bogus Lotteries - Special First Class Magistrate and staff - continuance upto 31-10-48 - Sanction.

Ref: G.O.No.129 (Home) dated 12th January 1948.

I am to forward for orders of Government copy of letter C.No.2057-48-M.H.C. dated 18-3-1948 from the District Magistrate South Kanara on the subject cited. The Hon'ble the Judges recommend the continuance of the Special First Class Magistrate and staff till 31-10-1948 or till the disposal of the cases, whichever is earlier. Necessary budget provision has been made for the continuance of the Special First Class Magistrate and staff.



P. T. Raman Nayar
Registrar.

BSP/PRL.

Ref.C.No.2057-48-M.H.C. S.K.Dt.Magistrate's Office, Mangalore dated 18.3.48. 3

From
S.R.KAIWAR ESQ.,I.C.S.
Dt.Magistrate of S.Kanara.

To
The Secretary to Government
Home Department,
Madras.

Through
The Registrar,
The High Court of Judicature,
M a d r a s.

Sir,

COURTS: Criminal- court of the Special First Class Magistrate for the trial of bogus lottery cases South Kanara- continuance up to 31.10.1948- sanction- sought for.

Ref: (i)G.O.Ms.No.1162 Home dated 22.3.47
(ii)G.O.Ms.No.129 Home dated 12.1.1948.

The period of retention of the court of the Special First Class Magistrate for the trial of bogus lottery cases,Mangalore established in the G.O. first cited above and whose retention was further sanctioned in the second G.O cited above expires on 30.4.1948.

2. The accused persons in seven out of the sixteen cases charged before the Special First Class Magistrate, have moved the High Court of Judicature,Madras to quash the charges framed against them on the ground that the Special I Class Magistrate has no territorial jurisdiction to try the cases. The Divisional Bench heard the arguments on 25 and 26.2.1948. The judgment is reserved and orders from the High Court have not been received. In one case, the accused as a result of the extradition proceedings instituted against them appeared before the court on 8.3.1948. The trial has not yet commenced. The case stands posted to 22.3.48. In another case, the accused who is a prisoner in the Central Jail, Yerwada has not yet been produced in response to a requisition issued under section 40 of the Prisoners' Act. Bailable warrants issued for the arrest of the accused in C.C.16/47 are pending with the Commissioner of Police, Bombay.

3. In all, 284 witnesses have been examined in these cases and 77 witnesses remain to be examined on behalf of the prosecution. The accused are likely to cite a number of defence witnesses from all over the Indian Dominion. Judging from the progress so far made I consider that it will not be possible for the magistrate to dispose of all the cases before the end of October 1948. I request that sanction may kindly be accorded to the continuance of the Special First Class Magistrate and the staff (last sanctioned in G.O.Ms.No.129 Home dated 12.1.48) till 31.10.1948.

4. A statement showing the progress made in the hearing of each case is appended.

For Dt.Magistrate.

Copy to A Section.
Copy to the Special First Class Magistrate for the trial of bogus lottery cases.

Detailed particulars of calendar cases up to 14-3-48 in the court of the Spl.I.Cl.Magistrate for trial of Bogus Lottery Cases, Mangalore.

C.C.Nos.	No. of Exhs. For Prosecution.	No. of Exhs. For Defence	No. of Accused in whose cases examined.	No. of Pros. Witnesses further cross-examined.	No. of P.Ws. yet to be examined.	No. of cases referred to the High Court	Stage at which the case stands.	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.
1,2.6 47. P.93	-		22	-	-	-	Accd.Examined For further Proceedings posted to 15-3-48.	Cases clubbed again A1 and A2 and again A3 case split up an pending as C.C.17/4
3.	188.D.22		23	23	-	1	Posted to 20-3-48.	Petition U.S.526 Cr.P.C.filed.
4.	-	-	-	-	26	-	For trial 22-3-48	Accd.appeared on 8-3-
5.	73	7	22	2	-	1	Orders not received from High court.Posted to 20-3-48.	Petition filed U/S 526 Cr.P.C.
7	173	11	33	-	-	1	Posted to 20-3-43	-do-
8.	74	-	20	-	-	1	Orders not received from High Court Posted to 20-3-48	Stay orders received from the High Court with regard to que tion of Jurisdict
9.	58	-	25	-	-	1	-do-	-do-
10.	105	-	16	-	-	1	-do-	-do-
11.	85	-	16	-	-	1	-do-	-do-
12.	182	-	27	-	-	1	-do-	-do-
13	132		27	-	-	1	-do-	-do-
14	70	-	27	-	-	1	-do-	-do-
15	110	-	36	-	-	1	Case posted to 30-3-48 for appearance of accd.	Petition filed U 526 Cr.P.C.for transfer.
16	-	-	-		32	-	Post to 15-3-48 for appearance of accused.	Accused in Bomb not apprehended.
17	-	-	-	-	19	-	-do-	Accused is in Ye da Central Jail.
	1273	40	284	25	77	11		

/True Copy/

For Collector.

S.K.Collector's Office,
Mangalore, dated 18-3-48.

9.3.48

(C.No. 26272.D/48)

HOME DEPARTMENT.

G.O. MS. No. 1435 dated 19.4.48.

COURTS - Criminal - South Kanara district - Trial of cases relating to Bogus lotteries - Special First Class Magistrate and staff - Continuance - Sanctioned.

READ;- G .O. Ms. No. 1162, Home, dated 22-3-1947
G.O. Ms. No. 129, Home, dated 12th January 1948
From the Registrar, High Court, R.O.C.No.2047-48 D3, dated 31st March 1948

ORDER

His Excellency the Governor of Madras sanctions the retention up to 31st August 1948 or up to the date on which the need for the staff ceases whichever is earlier, of the post of Speci First Class Magistrate and staff in the South Kanara district last sanctioned in G.O. Ms. No. 129, Home, dated 12-1-1948.

2. The expenditure should be debited to the relevan ~~sub-heads~~ ads of appropriation under "27. Administration of Justice - h. Criminal Courts - Voted".

To the Hon. the C.J.High Court, Madras
" D.M., South Kanara
" A.G. thro' the Fin. Dept.
" Rev. Dept.

NOTE:- Please see the letter from the D.M., South Kanara at p. 3 c.f . The High Court has since passed orders in the criminal revision petition referred to in para 2 of the D.M's letter. It has been held that the Magistrate can proceed wit the trial of some of the charges and that in regard to the re the certificate prescribed in Sec. 188 Cr.P.C. should be obtained as the offences were committed in States. The D.M's proposal in this regard will be received in due course. (and order passed)

2. The D.M. has stated that 77 P .Ws. have yet to be examined. The number of D.Ws. is not known. He, however considers that judging from the progress of the case so far it is necessary to sanction the Special Magistrate till 31-10-1948. The High Court recommends the request. The present sanction expires on 30-4-1948 and the period of exten sion asked for is about six months. The D.M's letter was

46272
~~26695~~ D/48

Written before the High Court's judgment was delivered. After the necessary certificate under Sec. 188 Cr.P.C. is ~~accorded~~ Granted by the Govt. there will not be any delay in proceeding with the cases. The post of the Special Magistrate, may perhaps be sanctioned for a period of four months. (Subject to order) The draft order submitted is for approval.

It may be sent to Fin. for acceptance before issue.

As my dipat

ASSISTANT SECRETARY TO GOVERNMENT 16 APR 1948 HOME DEPARTMENT

Home no 1[illegible]
12-4-48

ASST. SECRETARY TO GOVERNMENT 28752 12 APR 1948 FINANCE DEPARTMENT

Fin.

The draft order overleaf may be accepted and the case returned to Home

14/4/48 Accepted This case illustrates how very expensive these special magistrates appointed for special cases are. A few hitches in securing witnesses and a few references under §§ 526 to the High Court and the Magistrate is left for most of his time to kick his heels in idleness. Yet the transfer of the cases to a regular magistrate in the regular line now would only mean further delay. It is to be hoped that the D.M finds him some addl. work in his spare time

ASST. SECRETARY TO GOVERNMENT 28 APR 1948 52182 FINANCE DEPARTMENT

30365 Home 18.4.48

Fin no 28752 Ei-1
15/4/48

Above — Provision has been made for this in para 5 of this first G.O sanctioning the post — G.O 11621/1947.

May issue

Home 26273/48
22.4.48

ADDITIONAL ASSISTANT 27 APR 1948 HOME DEPARTMENT

(2)

16/4/48

Fin may see again after issue w.r.t. Above

19.4.48 ante

Finance (FI)

Pre. Fin. note on p. 8 above and the further remarks may be perused and returned to Home. Dept

RR 26.4 Sec. 29.4.48

DS Home

28/4 Home

Home Department

Finance Department have seen this paper after issue of the G.O. - Vide their note above. The file may now be closed

3.5.48 3/5/48 note the Page put up

ASSISTANT SECRETARY TO GOVERNMENT 30 APR 1948 HOME

ADDITIONAL ASSISTANT SECRETARY 2 APR 1948

345618 30.4.48